

# VILLAGE OF ALFRED, NEW YORK

## LOCAL LAW NO. 5 - 1985

As amended by Local Law #1988-1; #1988-2; #2000-1; #2000-3;  
#2007-2; #2010-2

### A LOCAL LAW FOR - HOUSING

Be it enacted by the Village Board of the Village of Alfred, Allegany County, New York as follows:

#### Article 1: General Provisions

##### **Section 100.00 Purpose**

The purpose of this law is to provide basic and uniform standards governing the condition, occupancy and maintenance of residential premises, and establishing reasonable safeguards for the safety, health and welfare of the occupants and users thereof. It is intended to supplement the New York State Uniform Fire Prevention and Building Code.

##### **Section 101.00 Effective Date**

This law shall take effect after its adoption by the Board of Trustees of the Village of Alfred and its publication and filing as required by the laws and regulations of the State of New York.

##### **Section 102.00 Scope**

This law shall apply to residential premises as follows:

- a. Lots, plots or parcels of land on which residential building, building of mixed occupancy or accessory structures are located;
- b. Residential buildings, including one- and two- family dwellings and multiple dwellings;
- c. Residential occupancies in buildings of mixed occupancy; and
- d. Accessory structures, accessory to residential occupancies.

##### **Section 103.00 Application**

- a. The provision of this law shall supersede local laws, ordinances, codes, or regulations to the extent that such laws, ordinances, codes or regulations are inconsistent with the provisions of this law; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, ordinance, code or regulation which is more restrictive or establishes a

higher standard than these provided in this law, and such more restrictive requirement or higher standard shall govern during the period in which it is in effect.

- b. Where a provision of this law is found to be in with a provision of zoning, building, electrical, plumbing, fire, safety, health, water supply or sewage disposal law or ordinance, or regulation adopted pursuant thereto, or other local law, ordinance, code or regulation, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail.

### **Section 104.00 Partial Invalidity**

If a term, part, provision, section, subdivision or paragraph of this law shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to invalidate the remaining terms, parts, provisions, sections, subdivisions and paragraphs.

## **Article 2: Space Requirements**

### **Section 200.00 General Requirements**

- a. Buildings occupied in whole or in part as defined in this law shall comply with the requirements hereinafter set forth concerning occupancy, size, light and ventilation in order to provide safe and healthful environment.
- b. The term, accessory use, shall have a uniform meaning and shall apply in the same manner and under the same conditions or restrictions to all residential buildings.

### **Section 201.00 Maximum Occupancy**

- a. In dwelling units, the maximum number of occupants shall be limited to the number determined on the basis of the floor areas of habitable rooms, other than kitchens, as follows:
  - i. One occupant per room having floor area of at least 80 but less than 120 square feet; two occupants per room having floor area of at least 120 but less than 180 square feet; and three occupants per room having floor area of 180 or more square feet.
- b. In lodging units, the maximum number of occupants shall be limited to the number determined on the same basis as for dwelling units.
- c. In buildings occupied as clubs, sorority or fraternity houses and providing sleeping accommodations for more than five persons, the maximum number of occupants so accommodated in any habitable room shall be limited to the number determined on the basis of the floor area, in square feet, of the room divided by 50 square feet per occupant.

## **Section 202 Prohibited Uses**

- a. It shall be prohibited to use for sleeping purposes any kitchen, nonhabitable space or public space.
- b. It shall be prohibited, in lodging houses, to use for dining purposes any communal kitchen containing less than 100 square feet of floor area, or any nonhabitable space or public space other than dining space.
- c. It shall be prohibited to prepare or eat meals in lodging units.
- d. It shall be prohibited to use any cellar space as habitable space.

## **Section 203.00 Habitable Space- Size**

- a. A dwelling unit shall contain at least one habitable room having a minimum of 150 square feet of floor area and a minimum horizontal dimension of 10 feet.
- b. Kitchens shall have a minimum of 60 square feet of floor area, and other habitable spaces shall contain not less than 80 square feet of floor area and shall have a minimum horizontal dimension of 7 feet.
- c. Every alcove less than 60 square feet, except a cooking space or foyer, shall be deemed to be part of a habitable room. The area of the opening in the dividing partition between alcove and the room shall be at least 80 per cent of the wall area of such partition, measured on the alcove side, but not less than 40 square feet. The depth of such alcove shall not exceed half its width. The floor area of the alcove shall be added to the floor area of the room in determining light and ventilation requirements for the room. An alcove with an area of 60 square feet or more, but less than the required area of a habitable room, shall be separately lighted and ventilated as required for habitable space.

## **Section 204.00 Basements**

Basements shall not be deemed habitable space where required windows are located only on one wall and the depth of the basement space exceeds four times its clear height.

## **Section 205.00 Light and Ventilation**

- a. Habitable space shall be provided with natural light through one or more windows, skylights, transparent or translucent panels, or any combinations thereof, that face directly on legal open spaces at least 6 inches above the adjoining finished grade, or are above a roof. The amount of light shall be equivalent to that transmitted through clear glass equal in area to 10 per cent of the floor area of the habitable space.
- b. Habitable space shall be provided with artificial light.
- c. Habitable space shall be provided with natural ventilation through openable parts of windows or other openings in exterior walls that face legal open

spaces through the adjoining finished grade or above a roof, or through openable parts of skylights, providing total clear ventilation area equal to not less than 5 per cent of the total floor area of each habitable space.

- d. Habitable space may also be provided with mechanical ventilation, in addition to natural ventilation.

### **Section 206.00 Miscellaneous Requirements**

- a. Dwelling units shall be separated from each other and from other spaces outside the dwelling unit.
- b. Sleeping rooms within dwelling units shall be separated from each other and from other spaces outside the sleeping rooms to provide privacy.
- c. Lodging units shall be separated from each other and from other spaces outside the lodging units.
- d. A communal kitchen or dining room in a lodging house shall be accessible to the occupants sharing such kitchen or dining room without going through a dwelling unit or lodging unit of another occupant.

### **Section 207.00 Height**

Public space shall have a minimum height of 7 feet 6 inches measured from finished floor to finished ceiling.

### **Section 208.00 Light and Ventilation**

- a. Public spaces shall be provided with artificial light.
- b. In public stairs, stairways and passageways artificial light shall be electric lighting available at all times so as to afford safe passage for occupants and users. Such lighting shall conform to the following:
  - i. A sufficient number of fixtures shall be provided so that the distance between fixtures is not more than 30 feet and so that no wall is more than 15 feet distant from a fixture.
  - ii. Incandescent lighting shall be based on not less than  $\frac{1}{4}$  watt per square foot of floor area, except that each fixture shall have a lamp or lamps with a total of not less than 25 watts.
  - iii. Fluorescent lighting shall be based on not less than  $\frac{1}{10}$  watt per square foot of floor area, except that each fixture shall have a lamp or lamps of a total of not less than 15 watts.
  - iv. Where under these formulas the calculated wattage does not correspond to that of a standard lamp, the next larger size shall be used.
- c. Public spaces shall be provided with either natural ventilation, conforming to the requirements for habitable space, or with mechanical ventilation.
- d. Kitchenettes, bathrooms, and toilet rooms shall be provided with ventilation in accordance with either of the following:

- i. Natural ventilation as required for habitable space, except that such openable areas shall be not less than 1 ½ square feet for bathrooms or toilet rooms and not less than 3 square feet for kitchenettes; or
- ii. Mechanical ventilation exhausting not less than 25 cfm for bathrooms and toilet rooms and not less than 100 cfm for kitchenettes.

**Section 209.00 Access and Vertical Travel Between Stories**

- a. Stairs, both interior and exterior, shall be of sufficient width in conformity with generally accepted standards so as to serve the occupants.
- b. Railings shall be provided on open portions of stairs, balconies, landings and stairwells.

**Section 210.00 Cooking and Refrigeration**

- a. Each dwelling shall be provided with appropriate cooking and refrigeration equipment.
- b. Cooking and refrigeration equipment shall be maintained in good operating condition.
- c. Gas-burning cooking equipment shall be permanently fastened and connected in place. Gas supply connection to such equipment shall be made with pipe or tubing of solid metal.
- d. Solid fuel-burning cooking equipment shall be appropriately vented.

**Section 211.00 Communal Cooking and Dining Facilities**

- a. Communal kitchens and dining rooms shall comply with the following requirements:
  - i. Communal kitchens shall contain at least 1 kitchen sink; at least 1 kitchen gas or electric stove equipped with an oven and not less than 4 top burners; at least one electric or gas type refrigerator with adequate food storage capacity, but in no case less than 8 cubic feet nominal size. Dining space and eating facilities where provided in the kitchen shall comply with the requirements for communal dining rooms.
  - ii. Communal dining rooms shall contain at least 1 dining chair and 2 linear feet of dining space for each occupant permitted in a dining room at any particular time.

**Section 212.00 Open Areas**

Yards and courts shall be kept clean and free of physical hazards.

**Section 213.00 Buildings and Structures**

- a. Floors, walls, ceilings, furnishings and fixtures of residential buildings shall be maintained in clean and sanitary condition.

- b. Accessory structures shall be maintained so as to be free of conditions detrimental to safety or health.

### **Section 214.00 Infestation and Screening**

- a. Where the potential for rodent or vermin infestation exists, windows and other openings in basements and cellars shall be appropriately screened with wire mesh or other suitable materials.
- b. From May 1<sup>st</sup> to October 1<sup>st</sup>, entrances to residential buildings shall be provided with self-closing type devices or screens, and windows and other openings used for ventilation shall be appropriately screened. Screens shall not be required in rooms located sufficiently high in the upper stores of multiple dwellings as to be free of mosquitoes, flies, and other flying insects.

### **Section 215.00 Garbage and Refuse**

In single-family and multiple-family dwellings, it shall be prohibited to place garbage or refuse containers in front of or on the front porch of buildings except during the hours designated for garbage pickup. In dwellings of two or more units it shall be prohibited to store or accumulate garbage or refuse in public halls and stairways.

### **Section 216.00 “Cushy Furniture” and Outdoor Storage**

- a. The storage of upholstered furniture (not manufactured for outdoor use) in outside areas is prohibited. “Outside Areas” include rooftops, yards, unenclosed porches, decks, patios, and balconies visible from the street.
- b. The storage of indoor items in any of these outside areas visible from the street shall be prohibited.
- c. The storage of construction materials, new or reusable, shall be prohibited in outside areas visible from the street.
- d. Those items which may be stored in such outside areas include sidewalk maintenance equipment (brooms, shovels, deicer, etc.), yard maintenance tools and mowers, furniture manufactured for outdoor use, bicycles, and holiday decorative items on display.
- e. A violation of this local law shall be punishable by a fine of not less than fifty nor more than two hundred and fifty dollars.

## **Article 3: Dangerous or Unsafe Buildings or Structures**

### **Section 300.00 Imminent Danger**

A building or structure which is an imminent danger to life and safety as a result of any violation or violations of the terms of this law shall be made safe and secure or demolished and removed by the owner thereof.

### **Section 301.00 Vacate**

The occupants of any such buildings or structures shall vacate the premises forthwith. No person shall use or occupy such building or structure unless and until it is deemed safe and secure by the officer of the Village of Alfred charged with the enforcement of this law.

### **Section 302.00 No Entry to Premises**

Except for the owner, no person shall enter premises which have been ordered vacated unless authorized to perform inspections, repairs, or demolish and remove such building or structure.

## **Article 4: Certificates of Compliance**

### **Section 400.00 Certificate of Compliance**

This law shall be enforced by the officer of the Village of Alfred designated by the Village Trustees of the Village of Alfred and shall be known as the Housing Law Enforcement Officer. Whenever the Housing Enforcement Officer inspects premises and finds them to be in compliance with the Village of Alfred Housing Law, he shall issue a certificate of compliance on a form prescribed by the Village Trustees. The certificate of compliance shall be valid for two years from the date of issuance unless sooner revoked.

All annual housing inspections of fraternities and sororities will be conducted in April, with final re-inspections, if necessary, scheduled before August 20. There shall be no occupancy of a fraternity or sorority house that fails to post a certificate of compliance by August 20. Each fraternity and sorority is required to provide the Code Enforcement Officer with a list of the names and addresses of the following: President, faculty advisor, corporate headquarters, house manager or other officer in charge of maintenance, and person in charge of the property during the summer months if different from the above.

A certificate of compliance may only be revoked by the officer charged with the enforcement of this local law after an inspection of the premises, notice to the owner and occupant, and a reasonable opportunity to remedy any violation which does not represent an imminent danger to the health or welfare of the occupant of the premises. If the officer charged with the enforcement of this law upon inspection finds a condition which constitutes an imminent danger to the health or welfare of the occupants or the premises, he may revoke the certificate of occupancy forthwith.

The certificate of occupancy shall be posted conspicuously on the premises.

### **Section 400.015 Application for Certificate of Compliance**

It shall be the responsibility of the owner of a property subject to inspection by the Code Enforcement Officer to apply for renewal of the Certificate of Compliance for

that property. Such application shall be made to the Code Enforcement Officer not less than sixty (60) nor more than ninety (90) days before expiration of the existing certificate.

#### **Section 400.01 Registration**

- a. Owners and lessors of rental housing, or their respective agents, shall within 30 days of making their buildings suitable for occupancy by tenants, file with the Code Enforcement Officer (C.E.O.) on registration forms provided by the C.E.O., the following information:
  - i. The names and addresses of owner(s) and lessor, and of their respective, agents, upon whom violation order may be served;
  - ii. The street addresses of all properties subject to this code as will enable the C.E.O. to locate same; and
  - iii. Such other appropriate information as may be required for inspection, including but not limited to the use of the premises, number of units and number of rooms.
- b. Non resident owners of premises subject to this Housing Law who live beyond a fifteen (15) mile radius of the Village of Alfred, and who are not employed in the Village of Alfred, shall designate an agent with responsibility for the premises. Such agents shall reside in the Village of Alfred or within a fifteen (15) mile radius of the Village.

#### **Section 400.02 Smoke Detectors**

Owners or lessors of rental housing or their agents will certify to the Code Enforcement Officer at the inception of tenancy and every six months thereafter that smoke and fire detection devices in the premises are in working order. Certification shall be in writing, signed by the owner, lessor, or agent.

It is understood that it is the landlord's responsibility to provide tenants with detectors in good working order when tenants occupy the premises. After the inception of tenancy until the end of the rental term, it is understood that tenants are responsible for replacing batteries when necessary, while landlords have the responsibility to maintain the detector (other than the battery), in good order and repair.

Failure by the owner to provide the certificate required by this Section or to provide and maintain a working smoke detector or failure by the tenant to maintain batteries in an existing smoke detector, shall be considered a violation of this Local Law and shall subject the offender to any of the penalties provided in Section 500.00 of this Local Law.

#### **Section 400.03 Who May Request Inspection**

If, following a request directed to the Code Enforcement Officer (C.E.O.), the C.E.O finds probable cause to believe a violation of this Local Law, the New York State



Fire Protection and Building Code, or in the Zoning Law of the Village of Alfred exists on premises subject to inspection by the Code Enforcement Officer, the Code Enforcement Officer shall conduct an inspection to determine whether in fact such violation exists. If such violation exists, the Code Enforcement Officer may proceed to remedy or sanction such in accordance with the provisions of this or other applicable law. Such initial inspection following a request to inspect shall be free of charge. However, any subsequent inspections to determine whether violations have been remedied shall be charged in accordance with the fee schedule for this Law against the offending party.

Notwithstanding the above, nothing in this Section shall preclude a regularly scheduled inspection, nor shall it preclude the C.E.O. from inspecting a property subject to this Local Law if the C.E.O believes that a violation of the code may exist.

### **Section 401.00 Temporary Certificate of Compliance**

Whenever the Village of Alfred Housing Law Enforcement Officer inspects premises and finds them not to be in compliance with the Village of Alfred Housing Law but finds further that such noncompliance does not represent any imminent danger to the health or welfare of the occupants of those premises and can be remedied within a reasonable time without vacating the premises, the Housing Law Enforcement Officer shall issue a temporary certificate of compliance on a form prescribed by the Village of Alfred Trustees. Such certificate shall not be issued for a period longer than is reasonably required to remedy any deficiencies in the premises and in no event shall be issued for a period longer than one hundred twenty (120) days.

### **Section 402.00 Exemptions**

A certificate of compliance shall not be required for premises which are occupied year round by their owner as a principal residence where the owner rents one or more rooms to tenants who share the same cooking facilities as the owner occupant.

A certificate of compliance shall not be required for premises which are occupied by the owner year round as a principal residence and only rented by the owner to others during the owner's temporary absence, not to exceed fifteen months, from the Village of Alfred

### **Section 403.00 Appeal Procedure**

A person aggrieved by a decision of the Alfred Village Housing Law Enforcement Officer which is arbitrary, unreasonable, capricious, or misinterpretation of the Alfred Village Housing Law may appeal such decision. Such appeal shall be made to the member of the Alfred Village Board designated by the Mayor to hear such appeals.

This appeal must be made in writing and filed with the Alfred Village Clerk not more than ten (10) days after the Housing Law Enforcement Officer's denial or termination of a certificate of compliance.

The person designated to hear such appeal may meet with the appellant, may examine the premises in question, or may decide the appeal upon the papers submitted by the appellant and the Housing Law Enforcement Officer.

The person designated to hear such appeal shall render a written decision of the appeal within (20) days.

## **Article 5: Penalties**

### **Section 500.00 Violations**

No person shall rent premises in the Village of Alfred and permit them to be occupied for residential purposes unless those premises shall first have obtained a certificate of compliance or temporary certificate of compliance. Any violation of this law shall be punishable as a violation of a Local Law. Provided however that a certificate of compliance shall not be required for dormitories or residence halls owned and maintained by Alfred University or the New York State Agricultural and Technical College of Alfred.

Every person, whether owner, tenant, or other occupant, who shall violate this local law shall be guilty of a violation and upon conviction shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Two Hundred Fifty Dollars (\$250.00). Each week that a violation continues shall be considered a separate violation.

In addition to the fine set forth above, any person who violates this local law by receiving rent for premises lacking a necessary certificate of compliance or temporary certificate of compliance, shall be required to refund all rents collected for the rental of those premises for any period of time during which those premises lacked a necessary certificate of compliance or temporary certificate of compliance. Provided however that a landlord or owner shall not be required to refund rents or security deposits to a tenant or occupant who has caused the revocation of the certificate of occupancy for the premises through the neglect or willful misconduct of such tenant or occupant.

### **Section 502.00 Fees for Inspection**

The fees for inspection conducted to insure compliance with this law shall be set by the Board of Trustees of the Village of Alfred. The same fee shall be charged for each and every inspection required by this local law for issuance or renewal of a Certificate of Compliance, whether it is the initial inspection, or a subsequent inspection to determine whether or not existing violations have been remedied.

### **Section 503.00 Notice**

Any notice given by the Village under this Law, if given other than by appearance ticket, shall be adequate if served personally upon the party, mailed, certified mail, return receipt requested, and regular mail to the parties last known address, or posted on the premises in question.